

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 16, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,932,711 (Goebel), claims 15 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goebel in view of U.S. Patent No. 4,394,966 (Heimberg), claims 23-30 and 36-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,443,207 (Cheng et al.) in view of U.S. Patent No. 5,791,022 (Bohman), claims 31 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. in view of Bohman and further in view of Goebel, and claims 35 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al. in view of Bohman and Goebel and further in view of Heimberg. Applicants respectfully request reconsideration in view of the present amendments and the following remarks, and respectfully submit that pending claims 1, 15, 16, 20-31, 35-42 and 46 are not properly rejectable over the applied references for the following reasons.

Regarding the rejection of claims 1 and 16, Applicants respectfully resubmit that Goebel does not disclose or suggest a bottom rail of a window covering as recited in the claims having a first position in which the bottom rail: 1) encircles the pleated cover; and 2) prevents the covering from being extended to an extended position. The final Office action fails to establish a *prima facie* case of obviousness because the pliant fabric 28 and batten 30 of Goebel asserted as corresponding to the bottom rail as recited in the claims neither encircle the pleated fabric 22 nor prevent the pleated fabric 22 from being extended, and the final Office action fails provide a suggestion or motivation for modifying the pliant fabric 28 and batten 30 to meet these limitations. As discussed in Applicants' previous response and conceded in the final Office action at page 2, the pliant fabric 28 and batten 30 overlay the pleated fabric 22, but do not encircle the pleated fabric 22. Moreover, no component prevents the pleated fabric 22 in Goebel from being extended at any time. The pliant fabric 28 and batten 30 are not illustrated or disclosed as preventing the pleated fabric 22 from being extended either when they overlay the pleated fabric 22 and the tube 20, or at any other time. The pleated fabric 22 may be extended regardless of the disposition of the pliant fabric 28 and batten 30. The spring 58 and strings 41 bias the pleated fabric 22 toward the retracted position and maintain the pleated fabric 22 in the position shown in Fig. 4, but even these

components do not prevent the pleated fabric 22 from being extended when a sufficient force is applied to extend the pleated fabric 22. Consequently, this limitation is not met by any structure of the Goebel windshield shade.

The necessary suggestion or motivation for modifying the pliant fabric 28 and batten 30 to meet these limitations is also missing. No suggestion is provided for lengthening the pliant fabric 28 to fully encircle the retracted pleated fabric 22, and no motivation to do so exists because the attachment of the tube 20 to the dashboard prevents wrapping a longer pliant fabric 28 around the tube 20 and pleated fabric 22. In fact, Goebel teaches away from lengthening the pliant fabric 28. The pleated fabric 22 has a reflective outer surface to reflect solar radiation and prevent the radiation from heating the interior of the vehicle, while the pliant fabric 28 is made from a non-glare material to reduce the reflection of light when the shade is retracted. (Goebel, col. 4, lines 32-50). As a result, a longer pliant fabric 28 would reduce the area of reflective outer surface available to reflect solar radiation and correspondingly reduce the shades ability to prevent the radiation from heating the vehicle.

Further, no motivation exists for configuring the pliant fabric 28 and batten 30 to prevent the pleated fabric 22 from being extended since the pleated fabric is already retained in the retracted position by the spring 58 and strings 41. The final Office action states in conclusory fashion that the “pleated fabric is prevented from being extended,” but fails to identify any structure that prevents the extension, let alone the pliant fabric 28 and batten 30 or any other component that may be construed as a bottom rail encircling a pleated cover. Because Goebel neither teaches nor suggests the limitations recited in claims 1 and 16 for the bottom rail, the reference neither anticipates nor renders obvious claims 1 and 16 and the claims depending therefrom, and withdrawal of the rejection is respectfully requested. Should the rejection be maintained, Applicants respectfully request that the Examiner provide a detailed explanation of the elements meeting the limitations recited for the bottom rail of encircling the pleated cover and preventing extension of the pleated cover or, to the extent it is conceded that Goebel does not teach such elements, provide a description of the modifications required for Goebel’s shade to meet these limitations along with a legally sufficient motivation or suggestion for a person skilled in the art to modify Goebel as proposed.

Turning to the rejection of claims 21 and 22, Goebel does not disclose or suggest a tab extending outwardly beyond an outer edge of an elongated cover. As recited in claims 16 and 21, the elongated cover has top and bottom ends, and outer edges on opposite sides of the cover, and the bottom rail includes at least one tab extending outwardly beyond one of the edges. The final Office action refers to the batten 30, which is also cited as being the bottom rail, as being the “tab 30,” but provides no explanation as to the manner in which the batten 30 extends beyond the edges 40 or is configured to enclose the edges 40 as recited in claim 21. In Goebel, neither the pliant fabric 28 nor the batten 30 extends beyond the edges 40 of the pleated fabric 2 in the manner recited in the claims. Because this element is wholly missing from Goebel, claims 21 and 22 are not anticipated or rendered obvious by Goebel for this additional reason. Should the rejection be sustained, however, Applicants respectfully request a more detailed explanation as to the manner in which all the limitations of claim 21 are disclosed or suggested by Goebel.

Applicants respectfully submit that claims 15 and 20 are patentable over the proposed combination of the Goebel and Heimberg references for the additional reason that the final Office action does not provide the necessary motivation or suggestion for the proposed combination and thereby fails to establish a *prima facie* case of obviousness. The final Office action accurately states that the band 27 maintains a covering in position, but fails to provide a legally sufficient suggestion or motivation for using the band 27 with the shade of Goebel. Goebel does not suggest a need for securing the pleated fabric 22, and the retention of the pleated fabric 22 by a band is unnecessary due to the retention of the pleated fabric 22 in the retracted position by the spring 58 and strings 41. Further, the band 27 of Heimberg is part of a package for drapes designed to prevent creasing and wrinkling of the drapes during storage and shipment. However, there is no suggestion in the references of wrinkling or creasing being an issue with windshield shades such that a person skilled in the art would be motivated to use Heimberg’s band on the shade taught by Goebel. For at least this additional reason, the proposed combination does not render claims 15 and 20 obvious, and withdrawal of the rejection of claims 15 and 20 for at least this additional reason is also respectfully requested.

With respect to the rejections of claims 23-30 and 36-41, the final Office action still fails to provide a legally sufficient suggestion or motivation for the combination of the Cheng

et al. and Bohman references. The final Office action offers further conclusory statements without indicating a motivation for implementing the slots of the Bohman mechanisms in to the slat 19 of the Cheng et al. window covering instead of replacing the stop 20 with one of the locking mechanisms disclosed therein. Consequently, a *prima facie* case of obviousness has not been established for at least this reason.

Applicants further submit that claims 31 and 42 are not obvious over Cheng et al. in view of Bohman and further in view of Goebel for additional reasons. First, Goebel does not disclose a bottom rail as recited in claims 31 and 42 for the reasons discussed above with respect to claims 1 and 16. Second, no motivation or suggestion for replacing the lowermost slat 19 with the pliant fabric 28 and batten 30 is provided in final Office action or found in the applied references. No teaching is provided in the references, and the final Office action points to no support, for “housing” the window covering of Cheng et al., whatever that term means, as proposed in the rejection. Cheng et al. hangs from an upper part of the window, whereas the pliant fabric 28 and batten 30 are part of a shade that is attached to a dashboard such that the pliant fabric 28 and batten 30 overlay the shade when the pleated cover 22 is retracted down onto the dashboard. If implemented in the window covering of Cheng et al., the pliant fabric 28 and batten 30 would dangle or otherwise be disposed at the bottom of the window covering, and would not “house” the window covering. Further, there is no disclosure in either reference of a need to encircle, “house” or otherwise package a covering with its own component elements when the covering is not mounted or is in a retracted position. Therefore, because the pliant fabric 28 and batten 30 do not meet the limitations recited for the bottom rail, and the final Office action fails to provide sufficient motivation either for modifying the pliant fabric 28 and batten 30 to meet the recited limitations, or for combining the references as proposed, it follows that claims 31 and 42 are not rendered obvious by the proposed combination for these additional reasons, and withdrawal of the rejection of claims 31 and 42 is respectfully requested.

With respect to claims 35 and 46, the rejection is improper for the foregoing reasons relating to the claims from which they depend, and for the additional reasons discussed regarding the asserted rejection of claims 15 and 20. Therefore, withdrawal of the rejection of claims 35 and 46 is respectfully requested for the same reasons.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

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